App F IX 4

Previous References (1941) **File No** 153-41

ML **Serial Nos** 1, 2, 3, 4

Later References

~~Boxing~~ 134-43-12

GENERAL AND REVENUE SECRETARIAT.

Serial Nos

Part B for Oct 42

SUBJECT

Mr authorises construction of Temple in Dawangee Town

Invs 28.10 42

'4608
d

General and Revenue Secretariat

H/L File No of 194 / [App F III-2

Serial No

Letter no A 6 c. 2364/41 42 dated 8-2-42 from the Deputy Comr, Chittagong bringing to notice reporting that the Dewangeree Town Municipal Council have refused to take action against the unauthorised construction of a temple at the place and he has therefore taken action under Section 194(1) of the Town Municipalities Act, 1933

The report of the Dy Comr Chittagong is submitted for perusal.

It is seen from the report that the unauthorised construction of the temple has already been completed and the local municipal Council have proposed to drop the question of launching a prosecution against the offender ~~Comm~~

The municipal authorities should have taken the necessary action in time to stop the construction of the temple As the construction is complete and the idol of Ganapathi has also been installed, any step

NOTE—Cont Sheet

W D 14156- G I B—55 000—23 10 41

") Unauthorised construction of a temple in
4608 the Davangere Town Muslim
L
ML File No. of 1941 General and Revenue Secretariat

Serial No

that may be taken to pull down the construction, as proposed by the D C - will, in all possibility, cause sensation at the place - the reluctance of the municipality to proceed with according to law is also significant and therefore the matter has to be approached carefully by the local officers

3 Under Section 194(2) of the Mysore Town Municipalities Act, 1933, Govt have powers either to rescind the orders of the D C in such cases or to direct the continuance of such orders permanently, and for this purpose the municipal council should be given an opportunity to explain their position

4 The Govt has accordingly instructed the Davangere municipality to show cause within a fortnight why their resolution to drop the proceedings to launch the prosecution against the offenders should not be cancelled, and he has promised further report to Govt after the receipt of a reply from the said municipality Submitted for orders

2 42

Mr. Thomas's Construction of a temple (3
Davangere Town

U 30 L

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

(6 The report of the Deputy Commissioner entailing as for perusal

7 Further report promised may be awaited

Law Secy / for 12/2/42

Further report may be awaited

Minister LSG) Hm 12 2 42 for 9 Secy 12.2.42

Hm 14 2 42 for

10 This may perhaps be sent to the Law & Finance Ministers from Genl Secy in favour of perusal

11 Law Secy) for 16/2/42

16/2

for perusal 12

Minister for Law) Minister for Fin & Rev) thro Gen Secy)

Hm 17 2 42 for 13 17/2

Seen 14 Bnr 19-2-42

~~I presume that the question whether~~ Hm 17 2 42 for 17/2

Hm 23 2 42 22/2 Hm 19 2 42 for

FEB 18 1942 8179

SEC DEPT 7369 12 FEB 1942 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L.S.G & P.H. Date 12.2.42 No. 4875

SEGY LAW DEPT 1455 17 FEB 1942 GOVT OF MYSORE

Fi 18 FEB 1942 No 4989

NOTE—Cont Sheet

W D 14155- G I B—55 000—23 10-41

(1) Unauthorised Construction of a Gate in Davangere town

File No 153 of 1941

General and Revenue Secretariat

Serial No

From the Dept. Comm. Chittaldrog
No. A6 (2364/41-42, 9.3.42

Submits the report, sketch and seeks orders to pull down the temple and to launch a Prosecution against the officers, Cancelling the Resolution of the Municipal Comm

Submits for orders

A6 24.3.42 - The proposal to Cancel the Resolution under Section 194 (2) of the Town Municipalities Act may perhaps be accepted in the circumstances of the case The structure would automatically be pulled down

As regards prosecution, what is required is perhaps an effective deterrent But it is felt that the demolition would equally serve the purpose, prosecution might be withheld But it would mean a graceful Cancellation of the Resolution

There is however one point which may be noted The records do not show how the local authorities failed to notice the fact till the Construction was finished & till after an objection petition was filed.

AK 24/3/42

Re an Unauthorised Construction of a temple at (5
4964/41 Davangere Town
P 5187/2

General and Revenue Secretariat | File No 153 5187/2 of 1941 | [App F III-2

Serial No

With reference to the resolution passed by the Davangere Town Municipal Council on 23-2-1942 in response to the notice issued by the D.C. calling upon them to show cause why his orders suspending their resolution dated 21-1-1942 should not be confirmed. The reasons given and communicated in the circular, the orders of the D.C. may perhaps be confirmed by the Govt under Sec 194 of the T.M. Act 1933, in consultation with the Law section.

Law Secy) for 6/3/42

21) Law Secy may be consulted.

Hm 2 11/3/42

Legal opinion file no 188/41-42 dt 12/3/42

22) Asst Secy - Law Sec) for 11/3/42

B 11/3/42

SECY LAW DEPT 2013 7 DEC 1942 GOVT OF MYSORE

9.3) From the facts on record it is clear that the Temple in Question is an unauthorized structure in as much as the persons boarding it, did not act-

NOTE—Cont Sheet

VD C415o—GPB— 000—23 10 41

b) Unauthorised Construction of a temple —
Davangere Town

ML File No. 15-3 of 1941

General and Revenue Secretariat

Serial No

in accordance with Sec 109 of the Davangere Municipal Act-

24) Hence such a person or persons should be prosecuted, as provided for under Sec 109 (61) of the Act-

25) It was Muppanna who presented the application on 24.10.41, & it was agreed Muppanna that a notice was served on 15.11.41 to stop further construction of the Temple But-the construction went on & was completed by 24.12.41 Thus Muppanna & his men, have violated the Law & the land, & the duty of the Council is to punish such violators But the Resolution of the Council, not to launch any prosecution in such a clear case as this, indicates weakness on the part of the Council to enforce the law & the land, & it also shows that Muppanna & his party people have in a way overpowered the Council Such a Municipality will lose the confidence of the Public, & the Resolution or the Public Creates an impression of partiality & ineffectiveness on the part of the Council Such a Council will in fact be defied by the Public, & be incompetent to perform its duties

26) Hence law & equity demand that the law & the land should be enforced

Unauthorised construction of a temple
Davangere Town

Serial No

against Mayappanna, & such steps were also ordered
him on defying the Law

27) But I find that the action taken
by the Deputy Commr under Sec 194 (1) of the
Act does not seem to be an order I think that
Sec 194 (1) of the Act cannot be applied to the facts
of this case, for, the Resolution in question is
negative in character I feel that the D C
ought to have acted under Sec 192 (1) (c) of the
Act, & then made a Report to Govt; after getting
a reply from the Commr the present act of the
Commr amounts "to a default in performing
any duty imposed on him by or under" the Act
& by the Commr 'persistently makes default in
the performance of the duties imposed on him by
or under' the Act, then Govt have under
Sec 202 (1) of the Act the power to "dissolve
or supersede" the Commr Govt cannot on
the basis of this solitary instance take such a
drastic step as supersession, but Govt may
under Sec 204 (1) of the Act, pass an
order that the Resolution in question does not
seem to be an order, & that the Commr was
necessary the whole subject of the matter, by
~~strictly~~ applying the principles of Sec 109
of the Act to the facts of the case

NOTE—Cont Sheet

WD 41 5—GPB— CCO— 3 10 41

Title Page

8 Unauthorised construction of temple - Davangere

ML File No. 15-3 of 1941

General and Revenue Secretariat

Serial No

28) G. Subbarao is of the opinion that action cannot be taken under the General Section (xx) Sec 204 of the Act, as he fears that neither the D.C. nor the Government can interfere with the Resolution of the Council which may be said to be not unjustifiable under the circumstances of the case, but no action can be taken under Sec 194 as suggested by the D.C. (Law Secretary) 3 6/4/42

29) One Somanahalli Muppanna constructed a temple in Davangere Town without a license from the Municipality As it was an unauthorised construction, the question came up before the Municipal Council whether he has to be prosecuted as provided for under Section 109(b) of the Mysore Town Municipalities Act. The Municipal Council resolved that no prosecution need be launched against him and the unauthorised construction need not be pulled down Flag B

The Deputy Commissioner issued a notice to the Municipal Council under Section 194 of the Mysore Town Municipalities Act, 1933 to show cause why the said resolution should not be cancelled by Government Flag C

The Municipal Council thereafter passed a resolution on 23rd February 1942 deciding not to take any further step in the matter Flag F

The Deputy Commissioner has suggested that the Government may pass orders not only cancelling the resolution but P UD II

Unauthorised construction of temple - Davangere Town
5-185

Serial No

also to launch the prosecution against Somanahalli Muppanna and to pull down the temple which has been unauthorisedly constructed without a license from the Municipality

3) It may be noticed in this connection that the resolution passed by the Municipal Council not to launch any prosecution against Somanahalli Muppanna and not to take steps for pulling down the unauthorised construction is negative in character Section 194(1) of the Act reads thus - "If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a Municipal Council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof " This section seems to contemplate the power given to the Deputy Commissioner to suspend the execution or prohibit (by virtue of a resolution) the taking of some step or act which is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful The section seems to contemplate the cases of an action to be taken under the resolution It does not seem to

NOTE—Contn Sheet

WD 0514—GPB—30 000—2 9 38

Unauthorised Construction of a temple - Davangere Town

ML File No 15-3 of 1921 | General and Revenue Secretariat

contemplate resolutions which are negative in character, in which cases there is nothing for the Deputy Commissioner to suspend the execution or prohibit the doing of a certain act Hence the Deputy Commissioner in this case cannot act under Section 194(1)

31) There does not seem to be any other provision in the Mysore Town Municipalities Act for the Deputy Commissioner to interfere with the resolution passed by the Municipal Council The Government cannot also take the action suggested by the Deputy Commissioner in the p u d Of course the Government have power under Section 202 to supersede the Municipal Council but this is not a case which needs such a drastic step to be taken by the Government The Deputy Commissioner may have powers to take action under other Acts, but his exercise of the power under the Town Municipalities Act in suspending the resolution, does not seem to be in order

32) Moreover, it looks that the site is claimed by one Mr Kotwal Sattar Khan If that be so, it is a case of civil dispute between Kotwal Sattar Khan and Somanahalli Muppanna It is still open to Kotwal Sattar Khan to recover back the site or enforce his legal rights against Somanahalli Muppanna, as he may be advised.

33) Having regard to the above facts, the suggestion of the Deputy Commissioner may not be approved. and

Unauthorised construction of a temple - Davangere Town

5-185-1

(11)

Serial No

he may be informed accordingly

Minister (LSG)

Hm 2 17 4 62

3 17/4/62 for

OFFICE OF THE MINISTER FOR L S G & P H
Date 20.4.1962
No 9406

34) The Law Secy will please give his opinion on the application dated 20 4 62 of the assessee in this case

LSG 21 4 62

Hm 23/4/62

35) S 204 empowers the Govt to make rules or orders generally for the purpose of carrying into effect the provisions of the Act and prescribe suitable forms. The section does not specifically empower the Govt to veto the resolution. Perhaps, the attention of the Municipality may be drawn to the fact that the resolution is contrary to the express provisions of S 109 of the Act. If they do not reconsider their resolution, the only course that would be open to the Govt would be to supersede the Municipality under S 202. If the Govt is not prepared to exercise their power under S 202, the D ci act may not be approved by Govt

Minister (LSG)

Hm 2 28/4/62 for

36 A approved

Dewan

Hm 30.4.62 for

12) Unauthorised Construction of a temple —
15/Cr Davangere Town

File No. 153/6/41 of 1941

General and Revenue Secretariat

Serial No 9406

The case of taking action under the Municipal Act does not be pursued But if the site is one vested in Govt under L R Rules, the DC may consider the advisability of taking steps under Revenue Law. How does the Muzrai Commr wish the reference; if any made to him in regard to the case (vide para 13 of Des letter dated 8th February)

Mlle 2/5/42

Minister L S G)

Hm 2/5/42 Jmw Secy 4 5

OFFICE OF THE MINISTER FOR L S G & P H Date 4.5.1942 No. G.P.S.S.

3 7)

Hm 2 8 5 42 Jmw

Jm KPS CX

57)

Submitted with a draft letter to the Muzrai Commr, Chitaldrug dist—

Hm 42 9.5. 9/5

4.5) Issue 9/5/42

TYPING

To

The D.C Chitaldrug dist—

Memo 10806 d 12/5/42 issues certain instructions

Secy

Re Unauthorised construction of a temple in Davangere Town (15

1938
2

General and Revenue Secretariat

ML File No 15-3 of 194X [App F III—2

Serial No 41

Letter no AS.C.674/42-43 dated 21-9-42 from the Deputy Commissioner, Chitaldrug forwarding a copy of his letter addressed to the Muzrai Comr in the matter.

2750.

Hag H

41) The letter of the Dy Comr addressed to the Muz-Comr sets forth the circumstances in which the matter is proposed to be dropped. No action is called for by Govt

42) Submitted for perusal and orders with reference to para 37 supra

30/9/42 CS

Law Secy 1/10/42

43) For perusal.

44 Cus 1-10-42
Minutes 2 s.c. To be subd
to the Dewan

Dewan 45 1-10-42 for 2 10 42

46 2 10 42

Muz 8/10/42

Cus 10-10-42

Law 10/10/42

B

Govt 10/10/42

SECY. LAW DEPT 3681 12 MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Date 2 10 42 No 2743

NOTE—Contn Sheet

WD 04155—G1 B—55 000—93 10 41

File No | of 194 | General and Revenue Secretariat

Serial No

By Regd post

GEN & REV SECRETARIAT
11 FEB 1942

Tel Address —Depcom
CHITALDRUG

In reply please refer to
No A6 C 2364/41-42
Enclosures Records

OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT

4608

Dated Chitaldrug, 8th February 1942

MC 153 - 41-1

FROM

R P MALLAPPA, Esq, B A, LL B,
Deputy Commissioner,
Chitaldrug District,
CHITALDRUG

SECY - DEPT
COURT OF WARD - MYSORE

To

H V Narayana Rao, Esq., B A, LL B,
Secretary to Government of Mysore,
Law *Department,*
BANGALORE

SIR

SUBJECT —Unauthorised construction of Temple without License in Davangere Town - suspending Resolution No 30 dated 21st January 1942 of the said Municipal Council under Section 194(1) of the Town Municipalities Act

==o==

I have the honour to state that the residents of Davangere Town petitioned the President of the Municipal Council on 24th October 1941, requesting that a bit of vacant site adjacent to the shop of one Kotwal Sattar Khan at the corner of Doddapet-Busapet junction in Davangere Town (where appears to have existed a stone by name Brahmadevaru) might be granted to them for constructing a temple for installing the idol of the said Deity While the petition in question was referred to the Municipal Engineer for report, one Kotwal Sattar Khan owner of the adjacent shop, put in an objection to the Municipality on 24-10-1941, stating that a temple was under construction on the site that belonged to him and that the construction was being done without obtaining permission from the Municipality as required by rules

2 As it was ascertained that one Mr Somanahally Huppanna was responsible for the unauthorised construction of the temple the Municipal authorities issued a prohibitary notice to the

the party, Mr Muppanna on 7-11-1941, directing him not to proceed with the construction work without obtaining ~~his~~ proper license from the Municipality and that further action would be taken against him, if the work was continued This prohibitory notice was duly got served on the party Mr Somanahally Muppanna on 14-11-1941 and his acknowledgment was obtained on the notice

3 In the meanwhile, Mr Kotwal Sattar Khan who objected to the unauthorised construction of the building, on the ground that the site in question belonged to him, was also issued a notice on 10-12-1941 for establishing his title and right to the site It is reported that he did not establish his right to the site in question

4 The Municipal President states that there are no references in the Municipality to show that the site in question is a Municipal land

5 The party Somanahally Muppanna is reported to have completed the unauthorised construction of the temple building which is a cage like structure with iron bars and zinc sheet roof and to have installed the Idol of Ganapathi unauthorisedly, making the building a place of religious worship

6 During the course of my inspection of Davangere Town on 17th January 1942 I noticed this unauthorised construction and on enquiry I came to know that the building in question was constructed without obtaining license from the Municipality and that there was an unauthorised installation of the idol Ganapathi in place of Brahmadevaru, and that no permission had been obtained from the proper authorities to make this, a place of religious worship

7 Due instructions were issued to the President of the Municipality for taking immediate action to prose-

prosecute the person responsible for the unauthorised construction (without license) of the temple and to have it pulled down in accordance with/provisions contained in the Municipal Act

8 The President states that this aspect of the question was first considered in the Standing Committee meeting held on 19-1-1942, when it was resolved to prosecute the offender, that at the General Meeting of the said Municipal Council held on 21-1-1942, it was resolved by a majority of Councillors (viz , 12 in number) that they were not in favour of launching a prosecution and that it might be dropped (vide resolution copies of the Standing Committee and the Municipal Council enclosed for reference)

9 It is seen therefrom that the marginally noted Municipal Councillors who were for prosecuting the offender as resolved at the Standing Committee, changed their mind in the Council meeting held on 21-1-42 and voted against prosecution

Messrs
1 Jade Krishna Rao
2 R D Yellappa
3 K A Srinivasa Setty

10 The execution of the present resolution of the Davangere Town Municipal Council (No 30 dated 21-1-42) for dropping the question of prosecuting the offender who is responsible for the unauthorised construction of the building and for his defiance of the orders of the Municipal President is clearly unlawful The members of the Municipal Council do not seem to have understood their responsibilities in the matter - Besides the ownership of the site is under contention by the neighbour who is a Mahomedan This unauthorised construction and installation of Ganapathi idol may devolop into communal feelings

11 In virtue of the powers vested in me under Section

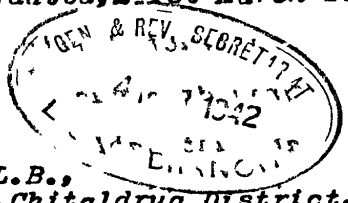
5185/42

No.A6.C.2364/41-42.

Office of the Deputy Commissioner,
Chitaldrug District,
Chitaldrug, dated, 21st March 1942.

Encl two

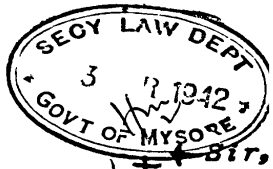
RC 168-41-2



From

R.P.Mallappa, Esq., B.A., LL.B.,
Deputy Commissioner, Chitaldrug District,
CHITALDRUG.

To



H.V.Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government, Law Department,
BANGALORE.

Sir,

Subject:- Unauthorised construction of temple without license in Davangere Town - suspending Resolution No.30 dated - 21st January 1942 of the said Municipal Council under Section 194(1) of the Town Municipalities Act.

In continuation of this office letter No.A6.C.2364/41-42 dated 8th February 1942, I have the honour to enclose a copy of the letter No.H.C.101/41-42 dated 24th February 1942 from the President, Davangere Town Municipal Council together with a copy of the resolution passed at a special meeting held on 23rd February 1942 in respect of a notice issued ~~to the~~ to show cause why the resolution No.30 of the Municipal Council dated 21st January 1942 should not be - cancelled by Government. It is seen from the resolution of 23rd February 1942 that it is framed in an evasive manner and not directly touching the point at issue of the removal of unauthorised construction of the temple. As Mr.Somanahally Muppanna has taken the ~~subject~~ service of the notice issued from the Municipality to stop construction of the temple without license, the prosecution is to be launched against him.

(1) I therefore request orders of Government not only to - cancel the resolution No.30 dated 21st January 1942 of the Municipal Council Davangere, as no good grounds have been given by them for not cancelling it but also to launch

(2) the prosecution against Mr.Somanahalli Muppanna and to -

to pull down the temple structure which has been unauthorisedly constructed without license from the Municipality. The - grounds adduced by the Municipal Council for its retention are untenable and there will be no feelings of any kind in the public mind by pulling down the unauthorised construction which would have a good effect on those intending to put up similar constructions without license in Davangere Town.

Early orders are requested in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner
Chitaldrug District.

Proceedings of the Special meeting of the Town Municipal Council, Davangere held on 23.2.1942 at 5 P.M.,

---

President.

H.M.Siddaramaiah, Esq., B.A., LL.B., — Present.

Vice-President.

B.M.Khasim Sab, Esquire, — Present.

Ex-Officio Members.

1. The Assistant Surgeon, Davangere. — Absent.
2. The Assistant Engineer, Davangere. P.W.D. — Absent.

Non-official Members.

Messrs:

1. K.T.Jambanna. — Present.
2. R.D,Yellappa. — "
3. K.A.Srinivasa Setty. — "
4. K.Shivappa. — "
5. Kempu Honnappa. — "
6. S.M.Bharmappa. — Absent.
7. Kuruvathi Kotrabasappa. — Present.
8. Maganur Basappa. — "
9. H.Kottur Basavappa, B.A., LL.B., — "
10. M.Gurusiddappa. — Absent.
11. G.Veerappa, B.Sc, LL.B., — Present.
12. Jade Krishnarao, B.A., LL.B., — "
13. N.Siddaramanna. — Absent
14. T.M.Siddaradhya. — Absent Present
15. Jagalur Abdul Khadar Sab. — Absent.
16. Gubbi Ambjappa. — Absent.

* * * *

Subject:-

Letter No.A6.C.2364 D/ 8.2.42 from the Deputy Commissioner, Chitaldrug issuing notice under - Sec.194(1) of the Town Municipal Act of 1933 and suspending the Resolution No.30 dated - 21.1.1942 of the Davangere Town Municipal Cl., (in the matter of prosecuting Mr.Somanahalli Muppanna) and directing the Municipal Council to show cause why this present - resolution should not be cancelled by Government.

Resolution.

Mr.K.T.Jambanna moves the following resolution which is seconded by Mr.K.A.Srinivasasetty.

The Council learns from reliable and independent sources that the two deities, Sri Bramhadevaru and Karekal Ganappa have been in existance in the present locality ~~being~~ from a very long time and puja is being performed ever-since. While deciding the question - of prosecution during the other meeting the question was deeply and with the full sense of responsibility discussed threadbare and it was resolved that no action was called for consideration of the minor and negligible nature of the changes siad to have - been effected. The Council primarily considered the question of finding out the person or persons actually involved in the alleged act, but came to the - conclusion that it would be impossible to bring home the guilt on any person or persons. The Council had also to take into consideration, the serious repurcurssions, an act of this kind - would create in the public mind especially when the location of the deities

deities causes no inconvenience or - annoyance to any one. Being conciaus of the feelings while prosecution would entail and the bitter hostility it would provoke in the whole town, the council thought that theproposed remedy would be worse than the disease. The Council even after reconsideration of the whole question from all aspects, is of opinion that no useful purpose will be served by launching prosecution. The proposition mentioned above was put to vote ten were for the proposition. Mr. Khasim Sab opposed the motion and Mr. Kottur Basavappa remained neutral. Thus the proposition was passed. Resolved that the Deputy Commissioner may be - requested to kindly reconsider his - order in this matter.

* * *

SD/- H.M.Siddaramaiah.
President,
Davangere Municipality.

--

"C O P Y"

Deputy Commissioner,
Chitaldrug District.

Np.H.C.101/41-42 dated the 24th February 194? from the President Town Municipal Council, Davangere, to the Deputy Commissioner, Chitaldrug District.

In continuation of my letter No.H,C.101/41-42 dated 12.2.1942 in the matter of notice issued by you under section 194(1) of the Town Municipal Act of 1933 regarding suspension etc., of the Council Resolution No.30 dated 21.1.1942, I have the honour to state that the subject was fully discussed by the Municipal Council at their meeting held on 23.2.1942 and their resolution passed in the matte# is herewith submitted for kind perasal. In the light of the resolution passed in the Council assigning reasons, I request you to kindly re-consider the order vassed in the mat+er.

"COPY"

Deputy Commissioner,
Chitaldrug District.

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 12/5/42

Signed by M R Rao

List of enclosures

Copied by

Examined by

Section ml

File No 153-41

Serial No 3

No L 10806

To The D C Chittaldrug with

Sir, Subject Unauthorised Construction of a Temple at Davangere Town

With reference to the correspondence ending with your letter no A6c 2364/41-42 dt 3 42 regarding the unauthorised construction of a temple in Davangere Town, I am directed to state that in the circumstances reported by you, the idea of taking action under the provisions of the Town Municipalities Act 1933 need not be pursued But of the site is one vested in Govt under the

Land Revenue Rules you may consider the
admissability of taking steps under the
Revenue law

Information may also the Kind
furnished as to how the matter has
been dealt with by the Civil Court, if any
reference has been made by you to them in regard to
the idol
~~in regard to the installation of the~~
~~idol in question~~, ~~as made clear in~~ (Vide
para 13 of your letter no Ab c 2364/41-42 d 8-2-42)

I have &c

for Secy to Govt—
Law Dept—

9/6

Tel Address —Depcom
CHITALDRUG

In reply please refer to
No A6. 2360/41-42
Enclosures

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

Dated Chitaldrug 20th May *194* 2

FROM

R P Mallappa,Esq ,B A ,LL B ,
Deputy Commissioner,
Chitaldrug District

SEOY LAW C
21
GOVT O MYSORE

TO Narayanaswamy Naidu,Esq ,B A ,B L ,
Secretary to Government,
Law Department, Bangalore

Sir,

Unauthorised construction of a temple
at Davargere Town
===

With reference to your letter No L 10806 M1 153-41-3 dated 12th May 1942, on the above subject, I have the honour to request you to be so good as to return the records sent with my report No A6 2364/41-42 dated 8th Feb-1942, at a very early date

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Chitaldrug Dist

GOVERNMENT OF MYSORE

1938

Telegram
phone

OFFICE OF The Deputy Commissioner,
Chitaldrug District,
Chitaldrug.

No A5.C.674/42-43.
Encls One.

Date 21st September 1942

Rev 153-41-4

To

C.Narayanaswamy Naidu, Esq., B.A., B.L.,
Secretary to Government, Law Department,
Bangalore

SECY LAW DEPT
GOVT 2
BANGALORE

Sir

Subject - Re Unauthorised construction of a temple in Davangere Town.

With reference to your letter No.2603 dated 3-9-1942 on the above subject, I have the honour to forward herewith for favour of kind information, a copy of the letter addressed to the Muzrai Commissioner in Mysore in the matter

I have the honour to be
Sir,
Your most obedient servant

For Deputy Commissioner,
Chitaldrug District.

bvk

constructed the new building by removing the stone slabs, and how it was financed, that no one has any objection for the construction of the building there for the two deities, and that on the other hand, the removal of the deities and the building from that place will wound the feelings of all the Hindus of the Town, and requested for allowing the temple to stay in the place.

From the above enquiries made it is ascertained that the temple is a private institution having no income of any sort. There is no judicial order to the effect any one to manage its affairs. People of all the communities have free access into the temple and worship the deities as they like. The Sub Divisional Officer, no doubt reports that the Ganapathi idol is a new installation by some interested persons on the locality at the place where there was only Sri Dharmadevaru

The building has been constructed without obtaining a license from the Municipality. On a reference made to the Government bringing the fact of unauthorised construction to their notice, and stating that a further communication would be made for orders in the matter of taking necessary steps under the Town Municipalities Act as the Municipal Council failed to take necessary actions, the Secretary to Government, Law Department, has stated in his letter No.1080-6/LD 103-11-3 dated 17-5-1913 that the idea of taking action under the provisions of the Mysore Town Municipalities Act, 1933 need not be pursued, and that the information as to how the matter has been dealt with by the Municipal Commissioner, may be furnished. As the enquiries made go to show that the Ganapathi idol is not a new installation on the place and that it is there for the last fifty years and more, there appears to be no provision for taking any action on the Municipal side. Though the Amildar is reported that this bit of land is learnt to belong to a Makan and that a civil litigation

litigation is pending in appeal before the High Court, the interested parties have not preferred any objections in response to the General proclamation issued by the Sub Division Officer

In the above circumstances, I think that the matter may be dropped. The connected records ending with the Davangere Sub Division Officer's report No R3-P.H 116/41-42 dated 14-8-1942 together with the printed statements presented by the town people are enclosed

I have the honour to be
Sir,
Your most obedient servant

Deputy Commissioner,
Chitaldrug District.

BVK/4.